

32B-4-411. Minor's unlawful use of proof of age.

(1) As used in this section, "proof of age violation" means a violation by a minor of:

- (a) Chapter 1, Part 4, Proof of Age Act; or
- (b) if as part of the violation the minor uses a proof of age in violation of Chapter 1, Part 4, Proof of Age Act:

- (i) Section 32B-4-409; or
- (ii) Section 32B-4-410.

(2) If a court finds a minor engaged in a proof of age violation, notwithstanding the penalties provided for in Subsection (1):

- (a) (i) for a first violation, the minor is guilty of a class B misdemeanor;
- (ii) for a second violation, the minor is guilty of a class A misdemeanor; and
- (iii) for a third or subsequent violation, the minor is guilty of a class A misdemeanor, except that the court may impose:
 - (A) a fine of up to \$5,000;
 - (B) screening, assessment, or substance abuse treatment, as defined in Section 41-6a-501;
 - (C) an educational series, as defined in Section 41-6a-501;
 - (D) alcoholic product related community service or compensatory service work program hours;
 - (E) fees for restitution and treatment costs;
 - (F) defensive driver education courses; or
 - (G) a combination of these penalties; and

(b) (i) for a minor who is at least 13 years old, but younger than 18 years old:

- (A) the court shall forward to the Driver License Division a record of an adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for a violation under this section; and

(B) the provisions regarding suspension of a driver license under Section 78A-6-606 apply; and

(ii) for a minor who is at least 18 years old, but younger than 21 years old:

- (A) the court shall forward to the Driver License Division a record of conviction for a violation under this section; and

(B) the Driver License Division shall suspend the person's license under Section 53-3-220.

(3) When the Department of Public Safety receives the arrest or conviction record of an individual for a driving offense committed while the individual's license is suspended pursuant to this section, the Department of Public Safety shall extend the suspension for an additional like period of time.

(4) A court may not fail to enter a judgment of conviction under this section under a plea in abeyance agreement.

Enacted by Chapter 276, 2010 General Session